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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,554	10/31/2003	Alejandro Rossato	29498/38561A	9953

4743 7590 10/17/2006

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EXAMINER	
PUROL, DAVID M	

ART UNIT	PAPER NUMBER
3634	

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/698,554	ROSSATO ET AL.	
	Examiner	Art Unit	
	David M. Purol	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,15,16,20-31,35-42 and 46* is/are rejected.

7)☒ Claim(s) *2-14,17-19,32-34,43-45* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,16,21,22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goebel. Goebel discloses a window covering including a pleated cover 22 having a rail 28,30 secured at its distal end and of which is adapted to encircle the pleated cover, and a tab 30 having a hole 32. The rail 28,30 as disclosed by Goebel is seen as responding to the claimed bottom rail inasmuch as the particular orientation of the temporary window covering is within the purview of the artisan having ordinary skill in the art.

The applicants state that in the Goebel reference the pleated fabric 28 and the batten 30 are not long enough to encircle the pleated fabric 22 due to the presence of the tube 20. This is not convincing for the pleated fabric 28 and batten 30 overly the pleated fabric 22 which fully responds to the function of encircling inasmuch as the pleated fabric is prevented from being extended.

2. Claims 15,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goebel in view of Heimberg. While Goebel does not set forth the use of a band, Heimberg discloses a window covering comprising a band 27, wherein, to incorporate this teaching into the window covering of Goebel for its explicit purpose of maintaining

the covering in a predetermined position would have been obvious to one of ordinary skill in the art.

3. Claims 23-30,36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al in view of Bohman. Cheng et al disclose a window covering comprising a pleated covering 13, a cord 17 secured to a top rail 14, and a bottom rail 19 having a slot 30 adapted to receive the cord 17. While Cheng et al do not disclose the slot as having a width less than the thickness of the cord, Bohman discloses a cord locking device which employs the use of a slot 5,10,12,35,36,56a,56b,65,85,95 having a width less than the thickness of a cord 2,32a,32b,52a,52b, wherein, to incorporate this teaching into the slot of Cheng et al for the purpose of facilitating the locking of the cord would have been obvious to one of ordinary skill in the art.

The applicants state that the fact that Cheng et al may be modified with a narrow slot is not sufficient to render the claims obvious in view of Cheng et al and Bohman without actual evidence of a suggestion or motivation for combining the references in the manner proposed in the Office action. This is not convincing for the references to Cheng et al and Bohman are from the applicants field of endeavor wherein the differences in material or form between the subject matter claimed and prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art.

4. Claims 31,42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al in view of Bohman as applied to claims 23-30,36-41 above, and further in view of Goebel. While Cheng et al do not disclose the use of bottom rail adapted to be configured in first and second positions, Goebel discloses a bottom rail 28,30 which is adapted to be configured in first and second positions, wherein, to incorporate this teaching into the window covering of Cheng et al, as modified by Bohman, for the purpose of housing the window covering would have been obvious to one of ordinary skill in the art.

5. Claims 35,46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al in view of Bohman and Goebel as applied to claims 31,42 above, and further in view of Heimberg. While Cheng et al does not disclose the use of a band, Heimberg discloses a window covering comprising a band 27, wherein, to incorporate this teaching into the window covering of Cheng et al, as modified by Bohman and Goebel, for its explicit purpose of maintaining the covering in a predetermined position would have been obvious to one of ordinary skill in the art.

6. Claims 2-14,17-19,32-34,43-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication should be directed to David M. Purol at telephone number (571) 272-6833.

David M Purol
Primary Examiner
Art Unit 3634

DMP
(571) 272-6833
March 18, 2006